

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JUNE 18, 2012

AMENDED IN ASSEMBLY APRIL 23, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1801

Introduced by Assembly Member Campos
(Principal coauthors: Assembly Members Alejo and Williams)

February 21, 2012

An act to add Section 65850.55 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1801, as amended, Campos. Land use: fees.

(1) Existing law requires fees charged by a local agency for specified purposes to not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless a question regarding the amount of the fee charged in excess of this cost is submitted to, and approved by, $\frac{2}{3}$ of the electors. The Planning and Zoning law requires a city or county to administratively approve applications to install solar energy systems, as defined, through the issuance of a building permit or similar nondiscretionary permit.

~~This bill would prohibit the total fees charged by a city, county, or city and county in association with an application for the installation of a solar energy system from exceeding the actual cost to the a city, county, or city and county in providing the service for which the fees are charged, as specified from basing the calculation of the fee charged~~

for a solar energy system on the valuation of the solar energy system, or any other factor not directly associated with the cost to issue the permit, or from basing the calculation of the fee on the valuation of the property or the improvement, materials, or labor costs associated with the improvement. The bill would also require the city, county, or city and county to separately identify each fee assessed on the applicant for the installation of a solar energy system on the invoice provided to the applicant.

(2) The bill would also express a legislative finding and declaration that oversight of permit fees for renewable energy systems is an issue of statewide concern and not a municipal affair and that, therefore, all cities, including charter cities, would be subject to the provisions of the bill.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65850.55 is added to the Government
2 Code, to read:

3 65850.55. (a) (1) The Legislature finds and declares that
4 oversight of permitting fees for solar energy systems is a matter
5 of statewide concern and not a municipal affair, as that term is
6 used in Section 5 of Article XI of the California Constitution.
7 Therefore this act shall apply to all cities, including charter cities.
8 The Legislature further finds and declares that nothing in this bill
9 is intended to imply approval of any other local fees for solar
10 systems not specifically covered by this bill.

11 (2) For purposes of this section, the term “solar energy system”
12 shall have the same meaning as set forth by subdivision (a) of
13 Section 801.5 of the Civil Code.

14 ~~(b) The total amount of fees charged by a city, county, or city~~
15 ~~and county for an applicant to install a solar energy system shall~~
16 ~~not exceed the actual costs to that city, county, or city and county~~
17 ~~in providing the service for which the fees are charged.~~

18 ~~(c) In determining the costs pursuant to subdivision (b), a city,~~

19 ~~(b) A city, county, or city and county, in determining fees~~
20 ~~charged for the installation of a solar energy system, shall not do~~
21 either of the following:

1 (1) Base the calculation of ~~a~~ *the* fee ~~charged pursuant to this~~
2 ~~section~~ on the valuation of the solar energy system, or any other
3 factor not directly associated with the cost to issue the permit.

4 (2) Base the calculation of the fee ~~charged pursuant to this~~
5 ~~section~~ on the valuation of the property on which the improvement
6 is planned, or the improvement, materials, or labor costs associated
7 with the improvement.

8 ~~(d)~~

9 (c) A city, county, or city and county shall separately identify
10 each fee assessed on an applicant for the installation of a solar
11 energy system on the invoice provided to the applicant.